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*Attorneys for the United States*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY MINERALS LTD., *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY NATIVE ASSOCIATION, INC.,  
*et al.*,

Case No. 3:24-cv-00059-SLG

CONSOLIDATED

LEAD CASE

*N. Dynasty Minerals LTD., et al. v. EPA et al*, 3:24-00059-SLG and consolidated cases  
Response to Motion to Set Briefing Schedule

Intervenor-Defendants.

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendant,

and

TROUT UNLIMITED, *et al.*,

Intervenor-Defendants.

Case No. 3:24-cv-00084-SLG

CONSOLIDATED

ILIAMNA NATIVES, LTD, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY ECONOMIC DEVELOPMENT  
CORPORATION, *et al.*,

Intervenor-Defendants.

Case No. 3:24-cv-00132-SLG

CONSOLIDATED

**DEFENDANTS' RESPONSE TO MOTION TO SET SUMMARY JUDGMENT  
BRIEFING SCHEDULE**

Defendants submit this response to the motion by Plaintiffs Northern Dynasty Minerals

*N. Dynasty Minerals LTD., et al. v. EPA et al*, 3:24-00059-SLG and consolidated cases  
Response to Motion to Set Briefing Schedule

Ltd. and Pebble Limited Partnership (collectively PLP) to set a summary judgment briefing schedule. ECF No. 156. While Defendants agree with PLP that the Court should set a briefing schedule, given the complexity of the issues in these consolidated matters, Defendants request a modified schedule that provides 120 days for Defendants to respond to Plaintiffs' summary judgment briefs. Good cause exists for Defendants to have 120 days to submit their response brief because Defendants will need to respond to three sets of Plaintiffs' briefs, each of which will raise unique issues as demonstrated by the diverse claims in their respective complaints. In addition, Defendants' current counsel, Mark A. Nitzynski and Albert Lin, are departing the Department of Justice at the end of this week. Given their departure, newly assigned counsel will require the time requested to become familiar with and effectively prepare for this case.

After conferring with counsel for Plaintiffs State of Alaska, Iliamna Natives, Ltd., Alaska Peninsula Corp. (collectively "the non-moving Plaintiffs") and the Intervenor Defendants, Defendants request the following briefing schedule:

Plaintiffs' opening briefs due on 10/1/25

Defendants' response brief due on 1/29/26

Intervenor Defendants' response briefs due on 2/12/26

Plaintiffs' replies due on 4/13/26

The non-moving Plaintiffs and the Intervenor Defendants do not oppose Defendants' proposed schedule.

Defendants respectfully request that the Court set the summary judgment briefing schedule we identified above.

Respectfully submitted,

ADAM R.F. GUSTAFSON  
Acting Assistant Attorney General

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/s/Laura J. Brown

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2025, a copy of the foregoing was served by electronic means on all counsel of record by the Court's CM/ECF system.

/s/Laura J. Brown

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